



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

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April 14, 2008

The Honorable Timothy S. Bee
President
Arizona State Senate
1700 West Washington
Phoenix, Arizona 85007

Re: Senate Bill 1096; Appropriation; English Language Learners

Dear President Bee:

I have received Senate Bill 1096, which appropriates approximately \$40 million in fiscal year 2009 to the Arizona Structured English Immersion Fund. I have decided to allow the bill to become law without my signature.

Senate Bill 1096 is far from a perfect solution to Arizona's need for adequate English language learner instruction. Nonetheless, I am letting the bill become law without my signature so that Arizona may avoid millions of dollars in sanctions payable to the U.S. District Court at a time when Arizona is facing severe budget deficits.

We should not forget, however, that the Court's sanctions order was only one of the multiple orders related to English language learners. These other orders require that Arizona's English language learner laws be amended to remove both the two-year limit on funding and the supplanting of federal funds.

In addition, the education community has expressed to the legislature a strong desire to review other elements of English language instruction that were enacted by House Bill 2064 in 2006. Those elements include whether a four-hour, segregated class covering only English language development is workable within a school's regular curriculum, and whether such long absences from other academic pursuits, such as math and science classes, are in the students' best interest. The education community also questions the equity of the funding allocation methodology and whether the one-size-fits-all teaching model prescribed by House Bill 2064 is sound. These questions from Arizona's front-line educators deserve serious consideration.

Appropriation of the approximately \$40 million of funds is only a first step to providing Arizona's children with a chance to read, write and speak English. I encourage the legislature to provide additional legislation that timely addresses the Court's other orders. I also urge the

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legislature to heed the concerns of the education community with respect to the practical application of English language learner methodology. I am allowing Senate Bill 1096 to become law without my signature so these other issues may be addressed during this legislative session with the guidance of the Court.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal flourish extending to the right.

Janet Napolitano
Governor

JN:LK

cc: The Honorable Jim Weiers
The Honorable Robert Burns

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

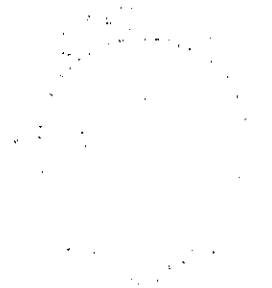
CHAPTER 34

SENATE BILL 1096

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION; RELATING TO ENGLISH LANGUAGE LEARNERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Appropriations: English language instruction

3 A. The following sums totaling \$40,653,833.30 are appropriated from
4 the sources indicated in fiscal year 2008-2009 for deposit in the Arizona
5 structured English immersion fund established by section 15-756.04, Arizona
6 Revised Statutes, and are appropriated from the fund to the department of
7 education to fund English language learner instruction pursuant to the
8 research based models of structured English immersion programs adopted by the
9 Arizona English language learners task force pursuant to section 15-756.01,
10 Arizona Revised Statutes, and selected by school districts and charter
11 schools pursuant to section 15-756.02, Arizona Revised Statutes:

12 1. The remaining \$14,300,000 unexpended and unencumbered balance of
13 the conditional appropriation for English learner weight funding in Laws
14 2007, chapter 255, section 29.

15 2. \$26,353,833.30 from the state general fund.

16 B. Monies in the structured English immersion fund are state aid and
17 shall be apportioned in the same manner as basic state aid pursuant to
18 section 15-973, Arizona Revised Statutes.

19 C. The appropriations made in subsection A of this section are exempt
20 from the provisions of section 35-190, Arizona Revised Statutes, relating to
21 lapsing of appropriations.

PRESENTED TO THE GOVERNOR ON APRIL 10, 2008. IN ACCORDANCE
WITH ARIZONA CONSTITUTION, ARTICLE 5, SECTION 7, ANY BILL NOT
RETURNED WITHIN FIVE DAYS AFTER PRESENTED TO THE GOVERNOR
(SUNDAY EXCEPTED) SUCH BILL SHALL BECOME A LAW IN LIKE MANNER
AS IF HE [SIC] HAD SIGNED IT.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2008.